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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/783,968 | 02/21/2004 | John G. Bate | 0210-003 | 4411 |

7590 03/22/2006

POTOMAC PATENT GROUP PLLC
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McLean, VA 22101-0855

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/783,968 | BATE ET AL. |
| | Examiner | Art Unit |
| | CUONG H. NGUYEN | 3661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is an answer to the IDS received on 7/12/2004.
2. Claims 1-13 are pending in this application.

Drawings

3. The submitted drawings are acceptable for examining purposes.

Claim Rejections - 35 USC § 112

4. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The IF decision would make the claimed system/method/medium STOP a process, for a “FALSE” answer (i.e., “if the monitored at least one of the speed and torque is not decreasing, enabling the engine of the vehicle to operate at a reduced power level, and...”).

For above assumption, the examiner submits that these claims lack of reciting a “TRUE” answer.

Claim Objections

5. Dependent claims 2-6, 8-12 are objected because they inherit above deficiency from independent claims 1, and 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipate by Muise et al. (US Pat. 5,758,306).**

A. As to independent claims 1, 7, and 13: As best interpretation, Muise et al. suggest a method, a system, and a medium for controlling a vehicle, comprising:

- reducing a speed of the vehicle in response to a vehicle shutdown signal (i.e., transmitting a signal to slow down the vehicle below idling speed, and then to stall the engine by total fuel shut off - see Muise et al., the abstract, and col. 2 lines 16-26),
- monitoring a speed of the vehicle, and determining whether a vehicle speed is decreasing (i.e., by viewing/observing, and estimation from a POLICE CRUISER, see Muise et al., Fig. 4C),

The following IF condition is decided for a “YES” or “NO” answer; the examiner assumes that IF is “FALSE” (i.e., the vehicle speed IS DECREASING), then the claim STOP HERE.

- IF “True”, reducing operating power level of the vehicle’s engine (see Muise et al., claims 5, and 15);

Muise et al. also use a reference speed to stop the vehicle (i.e., a speed has reached a predetermined level – see Muise et al., col.3 lines 53-59).

B. As to claims 2-3, and 8-9: Muise et al. teach that vehicle shutdown signal is generated in response to a predetermined condition – such as using by an unauthorized operator (see Muise et al., col. 2 lines 30-38).

C. As to claims 4, and 10: Muise et al. teach that vehicle shutdown signal is transmitted to the vehicle with a transmitter P (see Muise et al., Figs. 4A-4C).

D. As to claims 5, and 11: Muise et al. teach that a reduction is initiated by interrupting a fuel supply to the engine of the vehicle (see Muise et al., Fig. 2C refs. 4, 9; and claim 15).

E. As to claims 6, and 12: Muise et al. teach that after stopping the vehicle, the engine of the vehicle can be started in response to a second predetermined condition (i.e., "after vehicle recovery, a subsequent transmission from the police transmitter, such as a coded number of impulses, may reset the management system or multi-stage valve for resumption of operation." - see Muise et al., col. 5 lines 58-61).

Conclusions

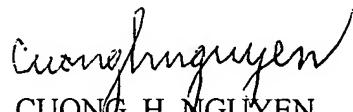
7. The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661